



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Authorizing the City Manager to Execute Work Order to Agreement with Mark Thomas & Co., Inc., for Consulting Services for Kettleman Lane Widening Project, Woodbridge Irrigation District Canal to Tienda Drive, and Stockton Street to Cherokee Lane; Appropriate \$145,000 for this Work Order, and Authorize the City Manager to Execute Future Work Orders as Needed

**MEETING DATE:** February 20, 2002

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution authorizing the City Manager to execute a Work Order for amended and additional work performed by Mark Thomas & Co., Inc., for the Kettleman Lane Widening Project; appropriate \$145,000 for this work, and authorize the City Manager to execute future work orders as needed.

**BACKGROUND INFORMATION:** At its November 1, 2000, meeting, City Council authorized the City Manager to execute a professional services agreement with the civil engineering firm, Mark Thomas & Co., Inc., to provide preliminary engineering, environmental documentation, and design work for the Kettleman Lane Widening Project. Staff negotiated the original contract based on other highway improvement projects. However, since Federal funds will be used for right-of-way and construction on a State highway, staff has requested the consultant expand the scope of work to cover additional State and Federal mandated work.

As described in the work order, to meet Caltrans' requirements, the scope of the Project Study Report (PSR) was expanded, and the Project Report (PR) and Geometric Approval Drawings (GAD) documents were added. The consultants have and will attend monthly Project Development Team (PDT) meetings with Caltrans and City staff. In addition, the consultant will prepare right-of-way documents for two roadway acquisitions, seven Public Utility Easements (PUE's), eight Temporary Construction Easements (TCE's), and oversee the right-of-way subconsultant in the implementation of appraisals and acquisition negotiations. The right-of-way work includes acquisition services, relocation assistance services, and condemnation support. Some of the right-of-way work included may not be required. The work order services will be provided on a time-and-materials basis, not to exceed \$121,217.

Staff and the consultant team will host a second public meeting on February 28, 2002. The meeting will give the community an opportunity to view preliminary design plans as well as the proposed landscaping theme. Following the public meeting, staff and the consultant team will present the project to City Council at a Shirtsleeve Session. It is anticipated the design will be completed by this fall, at which time staff will return to Council for approval of the plans and specifications and for authorization to advertise for bids. To expedite the project, staff also recommends City Council authorize the City Manager to execute other work orders as needed.

**FUNDING:** Regional Impact Fees \$145,000

Funding Available: *Vicky McAthie*  
Vicky McAthie, Finance Director

The difference between the appropriation and the work order includes a twenty-percent contingency for unforeseen changes.

*[Signature]*  
Richard C. Prima, Jr.  
Public Works Director

Prepared by Paula J. Fernandez, Senior Traffic Engineer  
RCP/PJF/lm  
Attachment

cc: Carlos Tobar, Transportation Manager  
Paula Fernandez, Senior Traffic Engineer  
Bob Himes, Mark Thomas & Co. Inc.  
Randy Hays, City Attorney

APPROVED:

*[Signature]*  
H. Dixon Flynn -- City Manager

**Mark Thomas & Co., Inc.**  
**Work Order 2**  
**Scope of Work**  
**Kettleman Lane Widening Project**  
**Woodbridge Irrigation District Canal to Tienda Drive and**  
**Stockton Street to Cherokee Lane**

The City of Lodi has requested that Mark Thomas & Co., Inc. (MTCO) prepare a scope and fee amendment for additional work performed during design that was not anticipated in the original scope and fee. The level of detail on several components has been expanded to meet State and Federal Requirements. In general the work includes:

- Amend the Project Study Report (PSR) to meet Caltrans requirements.
- Prepare a Project Report (PR).\*
- Attend Monthly Caltrans and City Project Development Team (PDT) meetings (11 PDT meetings to date).
- Prepare Geometric Approval Drawings (GAD's) for Caltrans approval.\*
- Prepare and mail public notices and conduct two public workshops.
- Evaluate median alternatives including: left turns at Sylvan, Academy and double left turns at Ham.
- Prepare right-of-way documents for 2 roadway acquisitions, 7 Public Utility Easements (PUE's), and 8 Temporary Construction Easements (TCE's).\*
- Prepare appraisals, and negotiate acquisitions.\*

\* Additional work not included with the original contract.

More specifically, the work tasks are as follows:

**Task 1.0 Alternatives Analysis, Reports and Meetings**

*Task 1.1 Project Study Report*

Expand the Project Study Report to Caltrans standards and submit 10 copies to Caltrans for review. Submit 30 copies of the final report to Caltrans for their files. The City will receive 3 copies of each submittal.

*Task 1.2 Project Report*

Prepare Project Report to Caltrans standards and submit 10 copies to Caltrans for review. Submit 30 copies of the final report to Caltrans for their files. The City will receive 3 copies of each submittal.

*Task 1.3 Attend PDT Meetings*

Attend monthly PDT meetings for the preliminary project design (through PA/ED). Prepare agendas and conduct the meetings based on Caltrans Special Funded Project standards.

Task 1.4 Prepare Geometric Approval Drawings

Prepare Geometric Approval Drawings for Caltrans to approve median design and roadway alignment prior to detailed design.

Task 1.5 Prepare Public Notices and Conduct Meetings

Prepare public workshop notices, distribute notices, conduct meeting, prepare exhibits and prepare meeting minutes.

Task 1.6 Evaluate Median Alternatives

Evaluate various alternatives for median. Prepare exhibits and provide data to Caltrans and the City to make an informed decision on where left turns will be provided along the corridor.

**Task 2.0 Prepare Right-of-Way Documents**

Task 2.1 Establish Boundaries

Obtain maps; review deeds and PTR's; field ties; process data; determine location of existing property lines and easements.

Task 2.2 Prepare Descriptions and Appraisal Exhibits

Write descriptions; prepare 8.5"x11" exhibits for appraisers and right-of-way agents; prepare master diagram showing relationship of property lines with new and existing easements and right-of-ways. Appraisal maps in Caltrans format will not be prepared. Descriptions and exhibits will have dual units (meters with feet in parentheses).

Task 2.3 Prepare Final Right-of-Way Map

Prepare Final Right-of-Way Map (two sheets) to Caltrans standards of only the right-of-way and easements being transferred to the State. Maps will be in metric units only.

Task 2.4 Show Dedicated Parcels on Right-of-Way Map

Include "dedication" parcels prepared and processed by others on the Final Right-of-Way Map. Note: schedule may be impacted if "dedications" are not recorded prior to the need to begin work on the Right-of-Way Map.

Task 2.5 Deliver in Drawing Files in Microstation

Convert AutoCAD drawings to Microstation format.

Task 2.6 Prepare and Process Record of Survey

Prepare Record of Survey (five sheets) showing the relationship of the found and set monuments to the baseline, property lines, right-of-ways and roadway easements. County map check and filing fees are not included.

### **Task 3.0 Appraisals and Negotiate Right-of-Way Acquisitions**

All services are performed in full conformance with Federal and State laws, Caltrans procedures, and the Uniform Relocation Assistance and Real Property Acquisition Properties Act.

#### *Task 3.1 Preliminary Project Activities*

##### *Project Initiation Meeting*

Meet with the City and others, as appropriate, to review project scope, scheduling and other issues specific to the project.

##### *Land Acquisition Procedures and Forms*

- Review land acquisition procedures needed for project.
- Prepare forms to be utilized for the required services.
- Prepare acquisition and/or relocation brochures summarizing the right-of-way processes.

#### *Task 3.2 Appraisal and Appraisal Review*

##### *Appraisal*

All appraisals will fully meet accepted professional appraisal standards. The appraisals will conform to the Caltrans Appraisal Manual and the requirements of the Office of Real Estate Appraisers of the State of California.

- Complete an appraisal of each property in accordance with Federal and State policy. Each property owner shall be contacted and offered the opportunity to accompany the appraiser during the inspection of the property.
- An appraisal report shall be prepared for each parcel and shall include, at the minimum, the following information:
  - ✓ The purpose and function of the appraisal, including limiting factors and conditions.
  - ✓ Description of the physical characteristics of the property being acquired in addition to the highest and best use of property.
  - ✓ A discussion of all relevant and reliable approaches to value. In most cases this will necessitate the use of the sales comparison approach only.
  - ✓ A description of comparable sales relied on in the determination of value.
  - ✓ A statement of the value of the property rights to be acquired, including damages to the remainder.
  - ✓ A signed certification of the appraiser, and the effective date of the valuation.

##### *Appraisal Review*

Complete an appraisal review for each acquisition in accordance with Federal and/or State policy. The appraisal review shall include a check of all mathematical calculations and a determination that all relevant and appropriate appraisal methodologies have been employed. The reviewed appraisal shall be forwarded to the City for the purpose of

establishing the amount of just compensation in accordance with Federal and State laws. The amount of just compensation not be less than the approved appraisal.

### Task 3.3 Acquisition Process

Acquisition services include all contacts with the property owner for the purpose of negotiating for the purchase of the real property interest. Services to be provided include:

- Prepare the offer letter and other related documents based on the review appraiser's accepted fair market value.
- Prepare purchase agreement and conveyance documents.
- Meet with property owners to discuss the project in general, review right-of-way maps and legal descriptions, confirm information about occupants/owners, and make the official first written offer.
- Contact each property owner to explain the offer, maintain follow-up contacts and secure the necessary documentation upon acceptance of the offer for closing.
- Respond to property owner inquiries verbally and in writing.
- Maintain contact reports for each parcel with all pertinent information and contacts concerning the parcel.
- Maintain parcel files of original documentation related to the purchase of the real property.
- Provide recommendation and supporting documentation for consideration during the administrative review process.
- Continue personal negotiations with property owner until agreement is reached with the owner, or impasse is reached.
- Signed purchase agreements shall be transmitted to the City promptly for acceptance and processing.

### 3.4 Closing Services

Coordinate and assist the title company with the following:

- Reviewing updated title.
- Open escrow, deposit funds and documents, prepare escrow instructions, and monitor closing of escrows.
- Obtain releases of liens, mortgage and encumbrances of record.
- Verify the payment of all real property taxes and other assessments owed on the property.
- Prepare and issue required IRS Form 1099 to property owners for land acquisition payments.
- Submit a completed property acquisition report for each property, including transfer of all pertinent correspondence and files to the City.

### Task 3.5 Condemnation Support

When impasse is reached and condemnation is being pursued, Consultant shall provide the City or its legal counsel with a complete parcel file, including the appraisal, negotiation records, and all other correspondence for each condemnation parcel. Services provided to the condemnation attorneys include:

- Appearing as an expert witness in eminent domain proceedings as directed by the City and the assigned legal counsel.
- Delivery of the complete parcel file, including the title report, legal description, appraisal, negotiation records, and all correspondence.
- Assist the attorney with locating property owners and other interest holders

Following impasse, any court preparation or testimony work performed by the Consultant shall be authorized by the City as extra work and paid for at the Consultant's court preparation hourly rates set forth herein.

#### Task 3.6 Relocation Assistance

Relocation assistance services shall include:

- Preparation of the Relocation and Assistance Program entitlements in accordance with the Federal and/or State Uniform Relocation Laws and Regulations.
- Participate in informational meetings and/or public hearings.
- Prepare relocation plans and analysis.
- Provide relocation advisory and financial assistance to residential occupants (i.e., the explanation of entitlements and eligibility; computation of replacement housing entitlements; advisory assistance in locating replacement property; and assistance in completing documentation for payment of entitlements).
- Distribute Relocation Assistance brochure, Notice to Vacate, and other notices as required.
- Monitor the move of personal property to replacement location.
- Prepare necessary payment documentation and deliver reimbursement checks and other appropriate payments to displacees.
- Maintain current and accurate parcel records and contact diaries for the relocation.
- Assist displacee in filing appeals and provide the City with documentation of activities for any appeal received.

#### Task 3.7 Coordination with Caltrans

Consultant shall coordinate the right-of-way acquisition process with the Caltrans District 10 Local Assistance Office as necessary.

#### Task 3.8 Project Administration and Management

Perform project management oversight of Universal's activities, including subcontractors, to insure timely and accurate performance of all real estate activities. Tasks include:

- Provide general consulting services to the City on matters relating to right-of-way and real estate appraisal and acquisition.
- Prepare and updating Project work plans.
- Maintain current status reports of all parcel and project activities.
- Participate in project review meetings on an as-needed basis.
- Assist the City with preparation of Right-of-Way Certification for the project. Project must be certified to Caltrans prior to award of construction contract.

### Project Fee

Task No.	Description	Amount
Task 1.0	Alternatives Analysis, Reports and Meetings	\$ 35,084
Task 2.0	Prepare Right-of-Way Documents	\$ 37,013
Task 3.0	Appraisals and Negotiate Right-of-Way Acquisitions	\$ 44,520
	Reimbursables	\$ 4,600
	<b>Total</b>	<b>\$ 121,217</b>

### Project Schedule

Task	Completion Date	Comments
Task 1.0 Alternatives Analysis, Reports and Meetings	n/a	On-going
Task 2.0 Prepare Right-of-Way Documents	3/01/2002	
Task 3.0 Appraisals and Negotiate Right-of-Way Acq.*	7/01/2002	

\* Condemnations will take longer.

## Project Cost Breakdown for Universal Field Services

<u>Activity</u>	<u>Hours</u>	<u>Rate</u>	<u>Cost</u>
Title (Alliance Title)		\$ 400.00 each	\$ 3,200.00
Appraisal (Pattison & Associates)	(lump sum)		\$ 8,000.00
Appraisal Review	16	\$100.00/hr	\$ 2,000.00
Acquisition Services	315	\$ 80.00/hr	\$25,200.00
Relocation Assistance Services		\$ 80.00/hr	\$ 4,800.00
Mark-up on Subcontractor (10%)			\$
1,320.00			
Other indirect costs (Mileage @ \$0.345, or current IRS rate, and notary, copying, long-distance telephone and miscellaneous related costs) at cost			<u>\$ 2,000.00</u>
Total Estimated Cost (Not to Exceed)			<b>\$46,520.00</b>

### Notes:

The above hourly rates include base salaries, general overhead and profit.

In addition to the above, Court Preparation and Testimony is billed as extra work at \$175.00 per hour for Appraisers and \$125.00 per hour for Acquisition Agents.



RESOLUTION NO. 2002-34

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING  
THE CITY MANAGER TO EXECUTE WORK ORDER TO  
AGREEMENT WITH MARK THOMAS & CO., INC. FOR  
CONSULTING SERVICES FOR KETTLEMAN LANE WIDENING  
PROJECT, WOODBRIDGE IRRIGATION DISTRICT CANAL TO  
TIENDA DRIVE, AND STOCKTON STREET TO CHEROKEE  
LANE; APPROPRIATING FUNDS FOR THIS WORK ORDER;  
AND FURTHER AUTHORIZING THE CITY MANAGER TO  
EXECUTE FUTURE WORK ORDERS AS NEEDED

=====

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council does hereby authorize the City Manager to execute Work Order to Agreement with Mark Thomas & Co., Inc., for consulting services for Kettleman Lane Widening Project, Woodbridge Irrigation District Canal to Tienda Drive, and Stockton Street to Cherokee Lane; and

BE IT FURTHER RESOLVED, that the City Council hereby appropriates \$145,000.00 for this Work Order; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Manager to execute future Work Orders as needed.

Dated: February 20, 2002

=====

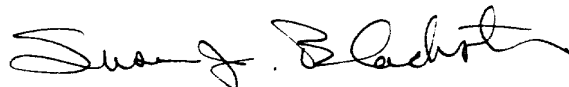
I hereby certify that Resolution No. 2002-34 was passed and adopted by the Lodi City Council in a regular meeting held February 20, 2002 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Nakanishi, and Mayor Pennino

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk